

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference
FP04503

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/JP2004/017190

International filing date (day/month/year)
18.11.2004

Priority date (day/month/year)
25.11.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

NEMOTO KYORINDO CO., LTD

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
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International application No.

PCT/JP2004/017190

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
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International application No.

PCT/JP2004/017190

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>1-24</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>11, 12</u>	YES
	Claims <u>1-10, 13-24</u>	NO
Industrial applicability (IA)	Claims <u>1-24</u>	YES
	Claims _____	NO

2. Citations and explanations:

Document 1: JP, 09-131400, A (Kabushiki Kaisha Nemoto Kyorindo)
 Document 2: JP, 2000-84074, A (Shinten Sangyo Kabushiki Kaisha)
 Document 3: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 134962/1998 (Laid-open No. 55957/1990) (Sharp Corp.)
 Document 4: JP2002-333434, A (Toray Industries, Inc.)
 Document 5: JP, 2002-541573, A (Abbot Laboratories)
 Document 6: JP, 2003-290348, A (Kabushiki Kaisha Nemoto Kyorindo)

The subject matters of claims 1, 2, 5, 7, and 8 do not appear to have an inventive step in view of document 1 and document 2.

It is easy for a person skilled in the art to apply a technology of detecting air bubbles by detecting wave intensity and a light beam described in document 2 which belongs to the same technical field to a medicine infuser described in document 1. Besides, the position where a wave emitting element and a wave detecting element are disposed is a matter that a person skilled in the art can determine as required, and no particular difficulty is found in disposing the wave emitting element and wave detecting element at the outer peripheral surface of a cylinder member or at the predetermined position of an extension tube.

The subject matters of claims 3 and 4 do not appear to have an inventive step in view of document 1 and document 3. It is easy for a person skilled in the art to apply a technology of detecting air bubbles by a time measuring means described in document 3 to a medicine infuser described in document 1.

The subject matters of claims 6, 9 and 10 do not appear to have an inventive step in view of document 1 and document 4.

It is easy for a person skilled in the art to apply a technology of detecting air bubbles by detecting ultrasonic waves described in document 4 to a medicine infuser described in document 1.

The subject matters of claims 13 and 14 do not appear to have an inventive step in view of document 1 and document 5.

It is easy for a person skilled in the art to apply a technology of detecting air bubbles by detecting an electrostatic capacity described in document 5 to a medicine infuser described in document 1.

The subject matters of claims 15 to 24 do not appear to have an inventive step in view of documents 1, 5 and 6.

It is easy for a person skilled in the art to apply a technology which is made applicable to a medicine infuser which syringes a plurality of medicines described in document 6 to a medicine infuser

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International application No.

PCT/JP2004/017190

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

described in document 1.